33. Grievances of the public owing to the present system of working of the Civil Courts.

MR. NARAYANARU KRISHNARU (*Member, Jenmies, Trivandrum Division, Group* II) in dealing with the grievances of the public owing to the present system of working of the Civil Courts made the following suggestions :—

(1) If when a suit was called for hearing, the defendant did not appear and it was not proved that the summons was duly served on him, the court should direct the publication of the summons in the Government Gazette. If the defendant failed to appear even after the summons was published in the Gazette, the court should proceed *ex parte* and in that case it shall not be open to the defendant to seek to set aside the decree passed *ex parte*, except when he deposited the decree amount in court.

(2) Circular No. 25 of 1085 issued by the High Court laying down that no peons who did not serve a minimum of 75 per cent of the processes and warrants entrusted to them shall be retained in service should be rigorously enforced.

(3) In order to prevent abstractions of and interpolations in unregistered documents presented by parties in courts, it should be ruled that no unregistered documents should be kept in the custody of courts. When the production of such a document became absolutely necessary, it should be returned at once to the party, provided that a true copy of it was retained in the court and provided also that the signature of the party or his pleader was taken to an endorsement written on the back of the copy that the original will be produced if and when directed by the court.

(4) Issues should be settled as early as possible within a week after the filing of the written statement. In case no settlement of issues was necessary, the case should be decided as early as possible within three weeks.

(5) The attendance of witnesses appearing from day to day should be duly marked and such witnesses as could not be examined on the very same day should be allowed to go away.

(6) As regards hearing of suits, written memoranda of arguments should be accepted in lieu of speeches.

(7) The prescribed minimum of suits to be disposed of by Munsiffs should be reduced from 40 to 30, so as to prevent re-trials, remand, etc.

(8) Cases adjourned for judgment should be decided on a specified date as early as possible within one or two weeks.

(9) Necessary steps should be taken to prevent the preparation of incorrect decrees.

(10) Notices should be affixed at the end of every month to the door of each court showing the amounts paid by parties or their pleaders as process-fees etc., during the month, the amounts actually spent out of these payments and the balance remaining with the court in respect of each case.

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(11) Amounts due to parties from courts should be returned to them only on their own receipts.

(12) An adequate supply of stamp paper should be stocked at every important place, lest supplies should run short and parties be put to trouble.

(13) Arrangements should be made for the proper custody of documents filed in courts, so as to prevent purloining.

(14) For purely administrative purposes, Government should have control over the High Court.

(15) Munsiffs alone should be appointed as District Judges.

(16) The pay of the subordinate staff of the Judicial Department should be enhanced.

DEWAN'S REPLY: I am now replying to the following members who made representations on the subject of the working of the Civil Courts in the State. They are Messrs. Kali Kurup, Kesava Pillai, Raman Pillai, Kesavan Unnithan, Kesava Pillai, Narayanan Kochu Pillai Kaimal, Raman Pillai, Krishna Pillai and Narayanaru Krishnaru. Both from the last year's representations and those made this year I find that the people generally in the country are paying very close attention to the working of the civil courts in the State and naturally so, because the people of the country are much preoccupied in litigation and because the working of the courts almost enters into their daily lives. The Hon'ble the High Court have for some time past been aware that there is room for considerable improvement in the working of the lower judiciary. Having taken such steps as they possibly could during the last year or two for the improvement of the position and now that an agency is about to be appointed to enter into the question of remedying laws delays and of redistribution of jurisdiction of courts in the State and also enquiring into the matters of procedure, the High Court expect to secure a more efficient and prompter disposal of cases. As this step is going to be taken it should not be long before radical changes if necessary are brought about to make the dispensing of justice much more prompt than it has been. As regards causes for this dilatoriness, I think it may be generally attributed to bad habits having grown up in the course of many years. It is not that the law, as established, is for the most part unsuitable. It is not that the personnel of the judiciary is below the mark compared with that of other places. It is in my opinion due, as I said, to bad habits having grown up for which partly the litigant public and partly the bar are responsible and the reaction of these upon an otherwise alert judiciary have brought about delays which I think, under more favourable conditions and under habits of promptitude, could easily be corrected.

There are one or two points in particular, on which I should like to touch. A member advocated the immediate abandonment of the system of surprise inspections. I beg to differ strongly and wholly from that member. I consider that surprise inspections are of great value indeed and the High Court have been carrying these out about a year now with such a deegree of success as the judges and the Government know from the results obtained.

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The other amazing suggestion advanced by a member was that in the case of a judicial officer having been suspected of being remiss, a committee to enquire into his conduct should include a member of the Legislative Council and a member of this Assembly. Now, it will be most unfortunate to the country if judges stood in daily fear of the executive Government or looked constantly at the executive Government for reward or recognition. The judiciary of the country should be far above that. If the judiciary should also be in dread of the private individuals who have come in as members of the Council, or of this Assembly, the position will indeed become very grave and must badly affect the judicial administration of the country. That is a suggestion which I am not going to entertain for a moment.

The next is that Government should forthwith order an enquiry on every newspaper report that might appear to reflect on a Judge. Here too, I will ask the member not to advocate such sweeping courses. There are newspapers and newspapers; there are newspaper reports and newspaper reports. On all these matters, the Hon'ble the High Court may be depended upon to watch over the officers beneath them.

For the rest I need not assure you again that the High Court have made it a close concern of theirs to see that the administration of justice is speeded up. Shortly after the officer appointed has reported, they will take up the whole question and take a comprehensive view of the position. I am sure the Honourable the High Court is keeping steadily before them this view of the question, the one important consideration in the matter, that is the quick, efficient and just administration of justice.

34. Appointment of superintendents of estates as ex-officio Registrars of Births and Deaths under the Registration of Births and Deaths Regulation.

MR. S. N. URE (*Member, Mundakayam Planters' Association*) said that a certain amount of trouble had arisen lately in the Mundakayam district as coolies were being summoned to court for not registering births. The Mundakayam Planters' Association took the matter up, but they found difficulty in discovering the registrar for each particular estate. One estate, it was reported, had a registration form returned three times, on the ground that it was sent to the wrong officer each time. The association felt convinced that it would be to the advantage of every one concerned if estate managers were made ex-officio Registrars of Births and Deaths. Records could be submitted to the central office monthly, quarterly, or as Government directed.

DEWAN'S REPLY: Mr. Ure, it was in March 1927 that the Sanitary Commissioner with the Government made certain proposals for investing your associations' medical officers and estate superintendents, both on the High Range and the Peermade Division, with powers as ex-officio Registrars of Births and Deaths under the Registration of Births and Deaths Regulation, of course in an honorary capacity. The proposal was strongly supported by the Commissioner, Devicolam, and the Land Revenue Commissioner went into the whole

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